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TFORCE FINAL MILE WEST LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

R. ALEXANDER ACOSTA, Secretary of
Labor, UNITED STATES DEPARTMENT
OF LABOR,

Plaintiff,

vs.

TFORCE FINAL MILE WEST LLC, a
Delaware company; and ON COURIER 365,
INC., a California corporation,

Defendants.

Case No. 3:17-cv-06624 LB

**STIPULATION TO MODIFY CASE
SCHEDULE**

Complaint Filed: November 16, 2017
Trial Date: February 3, 2020

1 Plaintiff R. ALEXANDER ACOSTA, Secretary of Labor, UNITED STATES
2 DEPARTMENT OF LABOR ("Plaintiff") and Defendants TFORCE FINAL MILE WEST LLC
3 ("TForce") and ON COURIER 365, INC. ("OC 365") (collectively, "the Parties"), submit this
4 stipulated request for the Court to modify the schedule for good cause under Rule 16(b)(4). Good
5 cause to modify the case schedule exists, for the following reasons:

6 1. On November 16, 2017, Plaintiff initiated this lawsuit by filing a complaint in this
7 Court. ECF 1.

8 2. On March 22, 2018, the Court entered a Scheduling Order, following the initial Case
9 Management Conference. ECF 40. The Order set trial for October 21, 2019. *Id.*

10 3. On January 31, 2019, the Parties submitted a stipulated request to modify the case
11 schedule in order to accommodate Plaintiff's review of approximately 50,000 documents TForce
12 had produced in discovery. ECF 30. That same day, the Court granted the stipulation, continued
13 the trial to February 3, 2020, and modified the pre-trial and discovery deadlines accordingly. ECF
14 31.

15 4. On May 23, 2019, Plaintiff took a Rule 30(b)(6) deposition of TForce regarding its
16 recordkeeping practices. Based on the deposition, the Parties have been actively engaged in a
17 cooperative effort to identify data elements and data samples that will facilitate the production of a
18 large volume of ESI containing delivery and payment details for hundreds of drivers at issue in this
19 case. Plaintiff believes this data is necessary for it to compute the damages it alleges are due as
20 well as inform additional discovery. The Parties believe that the current discovery cutoff and expert
21 disclosure deadline, August 16, 2019, leave insufficient time for them to complete this and other
22 discovery in time for expert analysis. Thus, good cause exists to modify the schedule.

23 5. Currently, the Parties are set to appear on October 28, 2019, at a Settlement
24 Conference with Magistrate Judge Kandis Westmore. If the Parties are able to resolve their dispute
25 at the Settlement Conference, they will avoid the substantial expense associated with expert reports
26 and depositions. Thus, the Parties wish to set the expert disclosure deadline after the Settlement
27 Conference.

28 NOW, THEREFORE, the Parties hereby stipulate and request that the Court modify the
schedule to reflect the following dates:


a. On or before **November 25, 2019**, the parties shall designate experts.

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- b. On or before **December 19, 2019**, the parties shall designate their supplemental and rebuttal experts.
- c. On or before **January 13, 2020**, the parties shall complete all discovery of expert witnesses.
- d. On or before **January 13, 2020**, the Parties shall complete all non-expert discovery.
- e. All pretrial motions shall be heard no later than **February 20, 2020**, or as soon thereafter as the Court is available.
- f. The final pretrial conference shall be held on **April 1, 2020**, or as soon thereafter as the Court is available.
- g. Trial shall commence on a date set by the Court on or after **April 27, 2020**, or as soon thereafter as the Court is available.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 7/15/19



RICHARD SEEBORG
United States District Judge

Respectfully submitted,

DATE: July 12, 2019

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| <u>s/ Boris Orlov</u> | <u>s/ Ellen Arabian-Lee</u> | <u>s/ Brian Berry</u> |
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| Secretary of Labor | Attorney for Defendant | Attorney for Defendant |
| | On Courier 365, Inc. | TForce Final Mile West, LLC |